

WEBB COUNTY COMMISSIONERS COURT
Official Minutes for the Regular Meeting
December 9, 2002 at 9:00 A.M.
(Approved 03-24-2003)

01.02-12-317.

ORDER BY JUDGE MERCURIO MARTINEZ, JR

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 9:00 a.m. at the regular meeting place with the following members present to wit:

Mercurio Martinez, Jr.	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
Mike Urdiales	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 6th of December 2002. Present also were various officers and others interested in the business of the Court.

INVOCATION – Patricia Barrera, Tax Assessor/Collector

PLEDGE OF ALLEGIANCE – Mr. Ramirez

Judge Mercurio Martinez announced that meeting would be recessed at approximately 10:00 a.m. for those who wish to attend the dedication of the bust for Oscar Laurel, a former District Attorney, State Representative and Rotary member that was held to be at the Webb County Justice Center.

02.02-12-318

APPROVAL OF MINUTES

Cmr. Gutierrez made the motion to approve item as submitted and Cmr. Velasquez seconded the motion.

Motion carried 5 to 0 by unanimous consent

03.02-12-319.

COMMUNICATIONS

Judge Martinez motioned for presentation by Mr. Gonzalez from the Webb County Extension Committee to be presented later in the meeting.

Motion carried 5 to 0 by unanimous consent

05.02-12-321

APPROVAL OF RESOLUTION/PROCLAMATIONS

"JUVENILE ACCOUNTABILITY BLOCK GRANT"

Judge Martinez moved for Court to acknowledge the proclamation in which the Webb County Commissioners Court approves the submission of a grant application for the Juvenile Accountability Block Program to the Office of the Governor Criminal Justice Department in the amount of \$35,339.00, resolving that the County Judge be the authorized official, the County Auditor as the Financial Officer and the Chief Juvenile Probation Officer as the Project Director.

Comr. Gutierrez made the motion to approve item as submitted and Comr. Velasquez seconded the motion.

Motion carried 5-0 with unanimous consent.

Judge Martinez motioned for items 7 A-E to be brought to the table. Motion carried 5 to 0

07.02-12-323

COUNTY JUDGE AND COMMISSIONERS

a. ACTION TO TRANSFER SLOT #1962 IN DEPARTMENT 0106 TO MIS DEPARTMENT AND DESIGNATE AS A MEDIA SERVICES TECHNICIAN AT THE RATE OF 10.20 PER HOUR AND TO AUTHORIZE FILLING OF SAID SLOT.

Judge Martinez stated the importance of designating someone to be in charge of maintaining the various media equipment that was being used to record and broadcast the Commissioners Court meeting for the public. Comr. Velasquez supported motion but wanted to verify if slot being transferred would need to be returned to the Maintenance Department in the future. Defer to Mr. Raul Elizondo from the Maintenance Department who states that department will probably request slot in the future due his staff will need to be spread out more due to the transfer of this slot. Comr. Vasquez agrees but comments that slot was open for some time and had not been filled.

Comr. Velasquez made the motion to approve item as submitted and Comr. Gutierrez seconded the motion.

Motion carried 5-0 with unanimous consent

b. PRESENTATION BY GATEWAY ROTARY CLUB
PRESIDENT MR. BILL GREEN AND MR. OSCAR MUNOZ,
REGIONAL DIRECTOR, TEXAS A& M COLONIAS
PROGRAM, REGARDING A JOINT PILOT PROJECT TO
CONSTRUCT, STAFF AND PROVIDE FOR EQUIPMENT,
BOOKS AND COMPUTER TECHNOLOGY FO NEW
LIBRARY FACILITIES AT THE LARGA VISTA COMMUNITY
CENTER.

Mr. Green, Rotary Club President spoke of Rotary's longtime worldwide goal of polio eradication and their new goal of eradicating an even more widespread disease – illiteracy. International President of Rotary Club wrote that ¼ of the world's population is functionally illiterate and that over 900 million people cannot read in any language, with 1/3 of them women. The Gateway Rotary Club has been working with Texas A & M to improve the quality of life of Webb County residents. Oscar Munoz, Regional Director of Texas A & M's Colonias Initiative Project states that they are working with the Texas Engineering Experiment Station on a 5 year, 7 million dollar grant and that the person in charge of submitting these grants has already brought in over 25 million dollars in grants with a 90 % approval rate. The South Texas Rural Systemic Initiative is currently in a partnership with various universities and colleges including Texas A & M, Texas A & M Corpus Christi, Texas A & M International, Laredo Community College, and the Texas Engineering Extension Service whose goal is to level the playing field for children living in the colonias (Larga Vista, Rio Bravo and El Cenizo). They work to provide children assistance with math and science as well as teacher training. The International Technology Education for Students and Teachers is another initiative that also works with math and science due these are the weakest subjects at present time. This is a 300 thousand dollar a year project with a goal of three years with the initial summary submitted and approved. This project will begin in Quad City and El Cenizo and within the first or second year should reach El Cenizo and Rio Bravo. U.I.S.D. is an educational partner whose Evenstart Program focuses on family literacy and whose goal is to start an Evenstart Program in Larga Vista. Region I offers ESL (English as a Second Language) and GED (General Education Diploma) classes to those living in the outlying communities. The Mexican Consulate's Inea Instituto Nacional Para La Educacion Para Adultos, which began in Rio

Bravo and El Cenizo is ready to graduate its 1st class and has donated a satellite dish and equipment needed to downlink Mexican education channels at the Larga Vista Pilot Program. The Beaumont Foundation and TEA has funded computers to install at the four centers along with furniture and instructors with the help of volunteers.

Cmr. Gutierrez congratulated all members of the Rotary Club and TAMIU's Colonia Initiative Program for all the assistance and the difference that they have made in the colonias. The county's ability to become a partner with the Rotary Club and TAMIU to fund the building structure along with the current expansion at the Larga Vista center would need to be looked at carefully to find the funds due the budget has already been set but that this needs to be done due a library is essential for proper education to occur in the community.

Mr. Green stated that he was impressed with the growth seen at the Larga Vista Community Center and his office is willing to go to work as soon as the County says go to work.

No action was required due it was a presentation.

Judge Martinez stated that he will appoint Cmr. Gutierrez and Vasquez to head a committee along with Mr. Homero Ramirez, County Attorney and Leo Flores, County Auditor to locate possible funds to be used to meet these project needs and negotiate contracts. Judge Martinez stated for items 7C, 7D, and 7E to be addressed as one issued.

c. ACTION REGARDING FUNDING THE ROTARY CLUB/A & M COLONIAS PROJECT "PILOT LIBRARY PROJECT" BY IDENTIFYING AND BUDGETING ONE HUNDRED AND FIFTY THOUSAND DOLLARS (150,000.00) FOR THE CONSTRUCTION OF ONE FORTY FOOT BY FORTY FOOT BUILDING FOR LIBRARY TO BE LOCATED AT THE LARGA VISTA COMMUNITY CENTER AND AUTHORIZING COMMITTEE TO ENTER INTO NEGOTIATIONS WITH GATEWAY ROTARY CLUB AND TEXAS A & M UNIVERSITY TO DEVELOP CONTRACT FOR DEVELOPMENT AND IMPLEMENTATION OF THE PROJECT AND ANY MATTERS INCIDENT THERETO.

d. BRIEF PRESENTATION BY REPRESENTATIVES OF ABC (All for Books in the Community / Alianza Para Biblioteca En La Comunidad), A COMMUNITY

ORGANIZATION FROM EL CENIZO, RECOGNIZING ALL ITS SUPPORTERS AND DONORS FROM WEBB COUNTY AND INFORMING THE PUBLIC HOW IT CAN HELP ABC WITH THE PUBLIC LIBRARY PROJECT.

e. ACTION TO ALLOCATE \$150,000.00 FOR CONSTRUCTION OF A LIBRARY IN EL CENIZO AND DESIGNATING A COMMITTEE TO DEVELOP CONTRACT FOR PROJECT IMPLEMENTATION.

Cmr. Vasquez praised ABC (All for Books in the Community) on taking the initiative to work to provide libraries to the outlying communities in Webb County under the administration of former City of Laredo Mayor Flora Barton. He commended ABC on its goal of eradicating illiteracy in the colonias. States that he wants to make sure that they are not throwing money to the programs, but into the programs.

Mrs. Virginia Villa (ABC El Cenizo representative – translated from Spanish to English) thanked the court for their assistance in helping them to meet their goal of building a library in El Cenizo. She states that ABC is trying to help their children succeed academically by bringing a library as well as library programs for children and their families. She states the program has the support and assistance from various universities as well as Senator Judith Zaffirini and through that support have collected more than 15000 books and over 500 signatures of residents of El Cenizo who want a library in their colonia.

Judge Martinez congratulated Mrs. Villa on her great presentation and all the work that they have put into this project. Cmr. Velasquez stressed the importance of libraries and he values the needs of the outlying communities but stresses that the money for this type of project must come from the constituents. He states that the county just approved a measure known as the Capital Improvement Funds and sadly this project was not included in this measure. Cmr. Velasquez states that he believes the project must be done but is unsure of where the money will be coming from and when it will be done. Cmr. Vasquez stated that a good education is key in order for the residents of the colonias to get out of poverty and it is the goal of the county government to help out those communities. Cmr. Vasquez moved to approve these projects. Cmr. Urdiales seconds the motion with discussion. Cmr. Urdiales believes that the library must be built and that the money should come from

the General Fund. If the county knows the money is there, there is no need for the auditor to waste time to look for the money elsewhere, especially if the 18% required by the bonds companies. Cmr. Velasquez states that the only concern that he has regarding the project is from what funds the money will come from. States that if project is not approved today, that more that likely the new administration will approve this project. States he is concerned about approving such a large project at the last hour and is worried about the fund balance dropping if project is approved. County Auditor Leo Flores stated that as of the end of the fiscal year (September 31, 2002), the un-audited fund balance was \$8.772 million dollars, which would be the 18% that Cmr. Urdiales spoke of and he doubted the figure would change after the audit. Cmr. Vasquez stated that he did not understand what the county auditor had to do with this decision. He stated that it was not up to the audience or the county auditor or any else except for the Commissioners Court to decide whether or not this would be approved. Cmr. Vasquez moved to amend his motion to state that project should be approved with the monies coming from the General Fund. Cmr. Urdiales seconded the motion with funds coming from the General Fund. Cmr. Gutierrez stated that she agreed but that if the Capital Improvement Fund could be amended to include this project, it should be amended. Cmr. Urdiales stated that the difference of opinion between the majority of the court and Cmr. Velasquez was not because the new court will be getting the credit or not. It was because Texas A & M and Rotary Club were requesting support and called for the question. Cmr. Velasquez reiterated that he is not against building the library but against the type of funding being utilized. Judge Martinez stated that Cmr. Velasquez is out of order and the Court will not recognize him due he is being redundant. Cmr. Velasquez stated that he is being censored and that the residents of Pct. 3 need to know how the county's monies are being spent.

Cmr. Vasquez made the motion to approve item as submitted and utilizing General funds and Cmr. Urdiales seconded the motion.

Motion carried 4-1with Cmr. Velasquez voting against.

Motion to recess for dedication of bust of Oscar Laurel.

Cmr. Gutierrez made the motion to recess for dedication and Cmr. Gutierrez seconded the motion.

Motion carried 5-0 with unanimous consent

Court recess until later time (10:09 a.m.)

Court returns from recess (11:11 a.m.)

Judge Mercurio Martinez calls court to order

Cmr. Gutierrez states that she would like to recognize the hard work and dedication of Judge Mercurio Martinez for these past 12 years that he has served as County Judge. She presents Judge Martinez with a photograph of a chair with the County Emblem that is to be delivered to his home as a farewell gift.

Judge Martinez thanks Cmr. Gutierrez for the gift and words of gratitude.

Cmr. Gutierrez presented Cmr. Urdiales with a photograph of a lamp with the County Seal that was to be delivered to his home in appreciation for the years he dedicated to the County as Commissioner, Pct. 4.

Cmr. Urdiales stated that he was very grateful for all those people that he met as Commissioner and that everything he accomplished as Commissioner was for the citizens of Webb County.

Cmr. Gutierrez presented Court Administrator Carlos Villarreal with a photograph of a lamp with County Seal that was to be delivered to his home as a token of appreciation for all his hard work with the Commissioners Court.

Judge Martinez thanked all members of the Commissioners Court, both past and present for their assistance in accomplishing the goals of the Commissioners Court. He stated that the salaries paid by the County are unmatched by those in the private sector and that every year there has been a minimum of a 5% raise for the county employees. He recognized Mr. Bryan Guillen, State Representative elect and Jim Allison, attorney for the Texas Association of Counties.

Cmr. Gutierrez motioned to move up Item No. 1 thru 4 of section F. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent to move up Item No. 1 thru 4 of Section F.

f. DISTRICT JUDGES AND COUNTY COURT AT LAW JUDGES

1. ACTION TO TRANSFER THE SECURITY OF THE JUSTICE CENTER, ADMINISTRATION BUILDING AND THE COURTHOUSE TO CONSTABLE AGUSTIN "Tino" JUAREZ. ITEM WAS APPROVED BY MAJORITY VOTE BY BOARD OF DISTRICT AND COUNTY COURT AT LAW JUDGES ON NOVEMBER 13, 2002.

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-1 with Cmr. Velasquez voting against.

2. ACTION TO OFFICIALLY RECOGNIZE THE EMPLOYEES OF THE DRUG IMPACT COURT AS EMPLOYEES OF THE 49TH JUDICIAL DISTRICT COURT UNDER THE CONTROL AND SUPERVISION OF JUDGE MANUEL R. FLORES. THE REVENUES AND EXPENDITURES OF THE DRUG IMPACT COURT WILL BE ACCOUNTED FOR IN THE DRUG IMPACT FUND #227 UNDER AUTHORITY OF THE 49TH JUDICIAL DISTRICT COURT DEPARTMENT #1001. [Requested by Judge Manuel R. Flores]

Cmr. Vasquez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-1 with Cmr. Velasquez voting against.

3. ACTION ON ADOPTION OF THE TEXAS FAIR DEFENSE ACT (SB7) PLAN FOR MISDEMEANORS, FELONIES AND JUVENILES. [Requested by Judge Elma Salinas Ender]

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

4. ACTION AMENDING JOB TITLES, SALARY ADJUSTMENTS AND APPROVE ADDITIONAL FUNDING FOR PART-TIME EMPLOYEES AND ELECTRONIC MONITORS. [Requested by Judge Jesus Garza].

Comr. Vasquez motioned to approve item as submitted. Comr. Urdiales seconded the motion.

Motion carried 5-0 by unanimous consent.

Comr. Urdiales motioned to move up Item No. 8-B and Item F as well as Item I. Comr. Gutierrez seconded the motion.

Motion carried 5-0 to move up Item 8-B, Item F and Item I.

08.02-12-324. PLANNING DEPARTMENT

b. ACTION TO APPROVE/DENY THE FINAL LAT APPROVAL OF THE MARTIN MARRIETA LAREDO YARD SUBDIVISION PLAT.

Comr. Vasquez motioned to approve item as submitted. Comr. Urdiales seconded the motion.

Motion carried 5-0 by unanimous consent.

06.02-12-322. COURT TO DISCUSS AND ACT ON THE FOLLOWING:

f. EXECUTIVE SESSION FOR CONSULTATION WITH LEGAL COUNSEL RE: CALDWELL v. RYLANDER, ET AL; WEBB COUNTY v. JUAN GARZA; TINO JUAREZ v. WEBB COUNTY; RAUL HINOJOSA v. WEBB COUNTY; AND CONTEMPLATED LITIGATION CONCERNING OVERPAYMENT OF JUDICIAL SALARIES. OPEN SESSION: POTENTIAL ACTION ON EXECUTIVE SESSION ITEMS.

Comr. Gutierrez motioned to move into Executive Session to discuss this item with counsel. Comr. Urdiales seconded the motion.

Motion carried 5-0 by unanimous consent to move into Executive Session.

EXECUTIVE SESSION (11:53 A.M. through 12:45 P.M.)

Judge Martinez called meeting to order.

Mr. Jim Allison, legal counsel representing Webb County, stated that this item does not require any action to be taken.

Cmdr. Gutierrez motioned to recess for lunch until 1:30 p.m.
Cmdr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent to recess for lunch until 1:30 p.m.

Cmdr. Vasquez informed Court that due he will be going out of town, he will not be present at the continuance of the meeting this afternoon.

RECESS (12:48 p.m. to 1:47 p.m.)

Judge Martinez called meeting to order.

Judge Martinez recited invocation.

Judge Martinez advised Court that they would draw names for possible members for the Webb County Grievance Committee. He stated that they needed 9 members and only 7 had accepted.

04.02-12-320.

APPROVAL OF BILLS, PAYROLL AND MONTHLY REPORTS

Jorge Flores, County Treasurer, presented 5 side bills for Court approval.

Cmdr. Velasquez motioned to approve item as submitted.
Cmdr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmdr. Vasquez not present.

Cmdr. Velasquez motioned to accept all reports submitted to the Court. Cmdr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmdr. Vasquez not present.

Cmdr. Velasquez motioned to move up Item 7-I. Cmdr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmdr. Vasquez not present.

07.02-12-323

COUNTY JUDGE AND COMMISSIONERS

i. ACTION FOR THE PURCHASING AGENT TO SOLICIT PROPOSALS FOR THE RENTAL OF OFFICE SPACE OF APPROXIMATELY 3000-4000 SQUARE FEET ALONG HWY 83 BETWEEN COLONIA SANTA FE AND LOOP 20, FOR JUSTICE OF THE PEACE RICARDO RANGEL. [Requested by Commissioner Jerry Vasquez]

J.P. Ricardo Rangel, Pct. 2, Place 2, stated that lease agreement would be for one year. Mr. Carlos Villarreal stated that the new J.P. building would be completed in about one year, after which Mr. Rangel would move to that building.

Comr. Gutierrez motioned to approve item as submitted.
Comr. Urdiales seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present

06.02-12-322.

COURT TO DISCUSS AND ACT ON THE FOLLOWING:

a. RISK MANAGEMENT

ACTION REGARDING CLAIM OF CONSTABLE PRECINCT 1 FOR PROPERTY DAMAGE INCURRED TO UNIT #1422 WHICH OCCURRED ON OR ABOUT OCTOBER 27, 2002 (Executive Session is requested pursuant to Title 5, Subchapter D, section 551.071 of the Texas Government Code – Consultation with Attorney).

Judge Martinez stated that this item would be discussed in Executive Session.

b. ECONOMIC DEVELOPMENT

1. ACTION ON EXERCISING OPTION OF SIX (6) MONTH EXTENSION TO THE LEASE AGREEMENT BETWEEN THE WEBB COUNTY COMMUNITY ACTION AGENCY AND GRACIELA ROCHA FOR THE WEBB COUNTY SELF-HELP CENTER BUILDING, LOT 4, BLOCK 7 IN COLONIA LOS ALTOS, AT \$600.00 PER MONTH

Comr. Gutierrez motioned to approve item as submitted.
Comr. Urdiales seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present

2. ACTION TO SOLICIT PROPOSALS FOR THE ENGINEERING SERVICES REGARDING THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TCDP CONTRACT NO. 721003 (Self-Help Center Housing Reconstruction activities) AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE ALL RELEVANT DOCUMENTS.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

3. ACTION TO AUTHORIZE THE SUBMISSION OF CHANGE ORDER #2 FOR A DECREASE IN THE AMOUNT OF FOUR THOUSAND EIGHT HUNDRED AND SEVENTY TWO DOLLARS AND FIFTY CENTS (4872.50) FOR CLOSNER CONSTRUCTION, INC. TO THE TEXAS COMMUNITY DEVELOPMENT PROGRAM OFFICE OF RURAL COMMUNITY AFFAIRS (ORCA), LOS CORRALITOS WATER IMPROVEMENTS TCDP #720889. CHANGE ORDER #2 ENTAILS TE ADDITION OF TWO (2) SIXTEEN INCH BUTTERFLY VALVE AND BOX (to be installed at the beginning and at the end of the 16-inch water line) AND RELOCATE TWO (2) FIRE HYDRANTS ALONG THE PICO ROAD (to be moved away from the road). THIS WILL ENTAIL A NET CREDIT TO THE COUNTY.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

4. ACTION TO REQUEST CONTRACT AMENDMENT TO TEXAS COMMUNITY DEVELOPMENT PROGRAM #720155 OFFICE OF RURAL COMMUNITY AFFAIRS (ORCA) TANQUESITOS I WASTEWATER COLLECTION LINE PROJECT UP TO DECEMBER 31, 2003. THIS WILL BE AT NO COST TO THE COUNTY.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

c. TAX ASSESSOR COLLECTOR

ACTION TO APPROVE REFUND

Countrywide Home Loans
Reason: Overpayment
Total Refund: \$1,478.03

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

d. PARKS AND RECREATION

ACTION TO ROLLOVER EQUIPMENT FOR A PERIOD OF THREE YEARS WITH JOHN DEERE LEASE PURCHASE OF EQUIPMENT, PENDING APPROVAL FROM COUNTY ATTORNEY'S OFFICE (No change in budget 2002-2003).

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

e. JUVENILE DEPARTMENT

ACTION ACCEPTING A JUVENILE ACCOUNTABILITY BLOCK GRANT (JAIBG) IN THE AMOUNT OF \$31,805 FROM THE CRIMINAL JUSTICE DIVISION, AUTHORIZING A 10% MATCH OF \$43,534 (From account 3001-012-7209-05), AND FURTHER AUTHORIZING THE COUNTY JUDGE, THE COUNTY AUDITOR, AND THE CHIEF JUVENILE PROBATION OFFICER TO EXECUTE ALL FORMS RELEVANT TO SAID GRANT, INCLUDING THE GRANT ACCEPTANCE NOTICE.

Cmr. Gutierrez motioned to approve item as submitted. Mr. Leo Flores, County Auditor, advised court to defer or table item due numbers don't match. (\$43,534 is not 10% of \$31,805). Cmr. Gutierrez withdrew her motion.

Cmr. Gutierrez motioned to defer item. Cmr. Urdiales

seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

g. COMMUNITY ACTION AGENCY

ACTION OF APPROVAL TO GRANT AUDITOR AUTHORITY TO EXPEND FUNDS FROM THE COMMUNITY SERVICES BLOCK GRANT (CSBG) AND THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM (CEAP), EFFECTIVE JANUARY 1, 2003, PENDING THE RECEIPT OF ALL REQUIRED GRANT DOCUMENTS.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Cmr. Gutierrez inquired as to the impact this will have on the General Fund. Ms. Cynthia Mares stated that even though the grant was already approved effective January 1, 2003, the money will not be received until about 30 to 60 days later. She is requesting that the Court approve authority to Mr. Leo Flores to expend monies until the grant money comes in.

Motion carried 4-0 with Cmr. Vasquez not present

07.02-12-323

COUNTY JUDGE AND COMMISSIONERS

g. ACTION TO ENTER AN ORDER OF THE WEBB COUNTY COMMISSIONERS COURT GRANTING A LICENSE TO THE BRUNI RURAL WATER SUPPLY CORPORATION, A NON-PROFIT CORPORATION, FOR THE USE OF COUNTY RIGHT OF WAY FOR THE SOLE PURPOSE OF INSTALLING, LAYING MAINTAINING AND REPLACING WATER AND WASTEWATER LINES AND ANY MATTERS INCIDENT THERETO AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE ORDER AND ANY OTHER RELEVANT DOCUMENTS.

h. ACTION TO ENTER AN ORDER OF THE WEBB COUNTY COMMISSIONERS COURT GRANTING A LICENSE TO THE MIRANDO CITY WATER SUPPLY CORPORATION, A NON-PROFIT CORPORATION, FOR THE USE OF THE COUNTY RIGHT-OF-WAY FOR THE

SOLE PURPOSE OF INSTALLING, LAYING, MAINTAINING AND REPLACING WATER AND WASTEWATER LINES AND ANY MATTERS INCIDENT THERETO AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE ORDER AND OTHER RELEVANT DOCUMENTS.

Cmr. Gutierrez motioned to include Item 7-H.

Mr. Tomas Rodriguez requested the court approve item with the condition that before any streets can be torn apart to repair water and wastewater lines that approval from the Engineering Department and Road and Bridge be granted because the County is presently paving some roads in those areas. Mr. Cesar Molina, President of Mirando City Water, stated that plans have already been drawn up and will be delivered to Mr. Rodriguez tomorrow. He also stated that Mirando City Water would be responsible for repairing any streets that are torn up.

Cmr. Gutierrez motioned to approve Item 7-h and 7-g with conditions stated above. Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

j. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE TRANSFER OF 100 SICK LEAVE HOURS BETWEEN EMPLOYEES, SPECIFICALLY FROM MR. GILBERT J. GARZA (Community Supervisor and Corrections Department Employee) TO HIS MOTHER, MS. AMALIA GARZA (Webb County District Clerk's Office employee). THIS PROPOSED TRANSFER HAS THE APPROVAL OF THE RESPECTIVE DEPARTMENTAL SUPERVISORS.

[Executive Session may be requested regarding Personnel Matters; section 551.074, Texas Open Meeting Act; and/or to consult with the County Attorney, section 551.071, Texas Open Meeting Act]
[Requested by Commissioner Judith Gutierrez].

Cmr. Gutierrez requested item be moved to later in the meeting until Ms. Garza arrived.

08.02-12-324.

PLANNING DEPARTMENT

a. ACTION TO ISSUE A "CERTIFICATE OF NO PLAT

REQUIRED" PURSUANT TO THE EXEMPTION PROVISIONS OF SECTION 232.0015(f) OF THE TEXAS LOCAL GOVERNMENT CODE AND SECTION XVI.1B (2) OF THE WEBB COUNTY SUBDIVISION REGULATIONS (as amended on September 9, 2002). THE EXEMPTION IS FOR A 5 LOT DIVISION OF A 65.24-ACRE TRACT IN WHICH THE SMALLEST TRACT CONSISTS OF 10.03 ACRES. SAID 65.24 ACRE TRACT IS OUT OF A 2534.63 ACRE TRACT SITUATED IN SURVEY 1592, ABSTRACT 2532, SURVEY 1560, ABSTRACT 1247, SURVEY 2191, ABSTRACT 1168, AND SURVEY 1584, ABSTRACT 1223, AS FURTHER DESCRIBED IN VOLUME 1135, PAGES 134-151 OF THE WEBB COUNTY DEEDS RECORDS.

Mr. Tomas Rodriguez stated that the Planning and Engineering Department recommend approval of this item pending survey completion.

Cmr. Gutierrez motioned to approve item pending survey completion. Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

c. ACTION TO AUTHORIZE THE COUNTY ATTORNEY AND THE PLANNING DIRECTOR TO ISSUE "CERTIFICATION REGARDING COMPLIANCE WITH PLAT REQUIREMENT AND THE CONNECTION OF UTILITIES" UNTIL THE FIRST OR SECOND COMMISSIONERS COURT MEETING OF JANUARY 2003, IN ORDER TO FULFILL THE TIME REQUIREMENT FOR COUNTY ACTION PURSUANT TO STATE LAW. ANY CERTIFICATE ISSUED DURING THIS TIME PERIOD WILL BE SUBMITTED FOR RATIFICATION BY THE COMMISSIONERS COURT

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

d. ACTION OF THE APPROVAL, MODIFICATION AND/OR REVISION OF THE DRAFT OF THE "2002-2007 CAPITAL IMPROVEMENT PLAN" AS PREPARED BY THE DEPARTMENT OF ENGINEERING AND PLANNING AND ANY MATTER INCIDENT THERETO.

Mr. Tomas Rodriguez stated that plan submitted was only a draft and that he will come before the Court in January with final draft.

Comr. Velasquez motioned to defer item. Comr. Gutierrez seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present

e. ACTION TO ISSUE "CERTIFICATIONS REGARDING COMPLIANCE WITH PLAT REQUIREMENTS AND THE CONNECTION OF UTILITIES" TO AUTHORIZE UTILITY CONNECTIONS TO THE FOLLOWING PROPERTIES:

Connection(s) qualifying under Section 232.029 (i)

Lot 20, Las Pilas Subdivision II, (electricity – one dwelling only)

Tract 1, Pueblo East Subdivision, (electricity – one dwelling only)

Comr. Gutierrez motioned to approve item as submitted. Comr. Velasquez seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present

Ms. Amalia Garza arrived.

07.02-12-323

COUNTY JUDGE AND COMMISSIONERS

j. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE TRANSFER OF 100 SICK LEAVE HOURS BETWEEN EMPLOYEES, SPECIFICALLY FROM MR. GILBERT J. GARZA (Community Supervisor and Corrections Department Employee) TO HIS MOTHER, MS. AMALIA GARZA (Webb County District Clerk's Office employee). THIS PROPOSED TRANSFER HAS THE APPROVAL OF THE RESPECTIVE DEPARTMENTAL SUPERVISORS.

[Executive Session may be requested regarding Personnel Matters; section 551.074, Texas Open Meeting Act; and/or to consult with the County Attorney, section 551.071, Texas Open Meeting Act] [Requested by Commissioner Judith Gutierrez].

Comr. Gutierrez stated that while spouses can transfer sick leave to one another, there is no policy in regards to sick leave transfer between parent and child. Mr. Homero Ramirez advised Court that he would need to discuss this item with them in Executive Session. Judge Martinez advised Ms. Garza to wait until Executive Session.

09.02-12-325

**COURT TO DISCUSS AND ACT ON THE FOLLOWING
FROM PURCHASING AGENT**

a. ACTION TO AWARD/REJECT THE FOLLOWING
PROPOSAL:

P-2003-06 "PROPOSAL FOR ENGINEERING SERVICE
WEBB COUNTY 2002 COLONIA EDAP FUND PROJECT
TCDP CONTRACT #721175 WATER & SEWER
CONNECTIONS TO OLD MILWAUKEE AND
TANQUECITOS I."

Mr. Eloy Ramirez, Purchasing Agent, advised Court that bids were received on this proposal and the Purchasing Department recommended Sure Free Engineering. Mr. Vargas, Economic Development, stated that the total amount of the grant would be \$300,000.00. Mr. Homero Ramirez, County Attorney, stated that there would be no negotiation in price.

Comr. Gutierrez motioned to accept Sure Free Engineering. Comr. Urdiales seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present

b. ACTION TO AUTHORIZE AN AGENT TO ACT ON
BEHALF OF THE COUNTY OF WEBB IN ALL MATTERS TO
TEXAS CUC AGGREGATION PROJECT, INC. (d/b/a Public
Power Pool and P3)

Comr. Gutierrez motioned to appoint Mr. Eloy Ramirez for above item. Comr. Urdiales seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present

c. ACTION TO PURCHASE ON (2) ½ TON EXTENDED
CAB PICK UP TRUCK WITH EXTENDED WARRANTY
FROM SAMES MOTOR COMPANY IN THE AMOUNT OF
\$38,200 (Bid No. 2003-05) FOR THE COMMUNITY

ACTION AGENCY, FUND #623-0200-8801 AND ONE FOR PLANNING DEPARTMENT, ACCT. PENDING.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

d. ACTION TO AWARD PURCHASE ORDER CONTRACT TO ZERTUCHE CONSTRUCTION, LLC, IN THE AMOUNT OF \$14,500 TO PAINT, PATCH FLOOR AND INSTALL LINOLEUM FLOOR TO THE TEMPORARY MORGUE, FUND #676-8101-8601.

Mr. Eloy Ramirez, Purchasing Agent, stated that Court had designated \$125,000.00 to be used with this project. He stated that a total of \$36,400.00 has already been spent on the following: \$13,000.00 – roofing, \$8,900.00 – walk-in cooler and \$14,500.00 – paint, patch and install linoleum floor.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

e. ACTION TO AWARD PURCHASE ORDER CONTRACT FOR WINDOW UNITS FOR THE COMMUNITY ACTION AGENCY UNDER THE COMPREHENSIVE ASSISTANCE PROGRAM TO THE FOLLOWING VENDORS: FUND #811-4227-7018

Vendor	Description	Qty	Amount
Grainger	14,000 BTU	15	\$8,549.85
Lowe's	18,500 BTU	15	\$5,955.00
Lowe's	20,500 BTU	15	\$6,960.00

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

f. ACTION TO APPROVE THE FINAL APPLICATION AND CERTIFICATE FOR PAYMENT (No. 25) IN THE AMOUNT OF \$135,197.35 TO LEYENDECKER CONSTRUCTION CO., INC. AS SUBMITTED BY ROBERT J. SEPULVEDA,

AIA, PROJECT ARCHITECT FOR THE WEBB COUNTY ADMINISTRATION BUILDING, PARKING GARAGE, 406TH DISTRICT COURTROOM, AND TITLE IV-D COURT MASTER COURTROOM.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

10.02-12-326

**COURT TO DISCUSS AND ACT ON THE FOLLOWING
FROM THE COUNTY ATTORNEY**

a. ACTION TO ENTER INTO AN EQUIPMENT LEASE AGREEMENT WITH OFFICE COMMUNICATIONS SYSTEM, INC. FOR TWO (2) LANIER 5455 DIGITAL COPIERS AND ACCESSORIES TO BE LOCATED AT THE WEBB COUNTY HEADSTART DEPARTMENT OFFICE FOR A THIRTY-SIX MONTH PERIOD (12/01/02 Through 11/30/05) IN THE AMOUNT OF FIVE HUNDRED FIFTY SIX DOLLARS (\$566.00) PER COPY PER MONTH BASED ON 30000 COPIES PER MONTH WITH COPY AVERAGE INVOICED AT \$.007 AND AUTHORIZING THE WEBB COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS.
[Requested by Headstart].

b. ACTION TO ENTER INTO A MAINTENANCE AGREEMENT WITH OFFICE COMMUNICATION SYSTEMS, INC. FOR TWO LANIER 5455 COPIERS TO BE LOCATED AT WEBB COUNTY HEADSTART DEPARTMENT OFFICE FOR A THIRTY SIX MONTH PERIOD (12/01/02 through 11/20/05) IN THE AMOUNT OF TWO HUNDRED AND TEN DOLLARS (\$210.00) PER MONTH AND AUTHORIZING THE WEBB COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS. [Requested by Headstart].

Cmr. Gutierrez motioned to approve items 10 A and 10 B as submitted. Cmr. Urdiales seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that on Item 10-A, the amount should be \$556.00 per month instead of \$566.00 per month as stated. He also stated that Item 10-B is understood to be \$210.00 per unit per month.

Motion carried 4-0 with Cmr. Vasquez not present

c. ACTION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF LAREDO TO ACCEPT FUNDING IN THE AMOUNT OF \$20,000 FOR THE WEBB COUNTY COMMUNITY ACTION AGENCY ELDERLY NUTRITION PROGRAM FOR FISCAL YEAR 2002-2003 C TO PROVIDE MEALS TO APPROXIMATELY 160 ELIGIBLE INDIVIDUALS WITHIN THE CITY OF LAREDO AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE ANY AND ALL RELEVANT DOCUMENTS. [Community Action Agency].

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

d. ACTION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF LAREDO TO ACCEPT FUNDING IN THE AMOUNT OF \$19,000.00 FOR THE WEBB COUNTY COMMUNITY ACTION AGENCY MEALS ON WHEELS PROGRAM FOR FISCAL YEAR 2002-2003 (October 1, 2002 to September 30, 2003) TO PROVIDE MEALS TO APPROXIMATELY 209 ELIGIBLE INDIVIDUALS WITHIN THE CITY OF LAREDO AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE ANY AND ALL RELEVANT DOCUMENTS. [Community Action Agency].

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

e. ACTION TO ENTER INTO AN AMENDED EXTENDED SOFTWARE AND HARDWARE MAINTENANCE AGREEMENT WITH MEGATRONICS INTERNATIONAL CORP., FOR THE FUEL MANAGEMENT SYSTEM INSTALLED AT THE WEBB COUNTY ROAD AND BRIDGE FACILITY TO BE EFFECTIVE JANUARY 1, 2003 THROUGH DECEMBER 31, 2002 IN THE AMOUNT OF FOUR THOUSAND SEVEN HUNDRED FORTY-TWO DOLLARS (4,742.00) AND AUTHORIZING THE COUNTY JUDGE TO SIGN ALL RELEVANT DOCUMENTS. [Request of Road and Bridge Department]

Cmr. Gutierrez motioned to approve item with correction of

date from December 31, 2002 to December 31, 2003. Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

f. ACTION TO ENTER INTO A MANAGEMENT AGREEMENT WITH THE WEBB COUNTY HERITAGE FOUNDATION, A NON-PROFIT CORPORATION, FOR THE MANAGEMENT OF THE PROPERTIES KNOWN AS VILLA ANTIGUA PROJECT AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE CONTRACT AND ANY MATTERS INCIDENT THERETO

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Homero Ramirez, County Attorney, stated that item is a ten (10) year agreement subject to termination by either party and that the County will compensate \$144,000.00 for services rendered.

Motion carried 4-0 with Cmr. Vasquez not present

g. ACTION REGARDING CAUSE NO. 2000CVQ-000819-D1, WEBB COUNT, WEBB CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, MIRANDO SCHOOL DISTRICT, CITY OF LAREDO, AND UNITED INDEPENDENT SCHOOL DISTRICT, IN THE 49TH JUDICIAL DISTRICT COURT, WEBB COUNTY, TEXAS. [Executive Session is requested pursuant to Title 5, Subchapter D, Section 551.071 of the Texas Government Code, Consultation with Attorney]

As per Judge Martinez, item will be discussed in Executive Session.

h. ACTION REGARDING THE ACQUISITION OF LOTS 1, 2, 3 AND 4, BLOCK 197, WESTERN DIVISION, LAREDO, WEBB COUNTY, TEXAS AND ANY MATTERS INCIDENT THERETO. [Executive Session is requested pursuant to Title 5, Subchapter D, Section 551.072 of the Texas Government Code, Deliberation Regarding Real Estate]

As per Judge Martinez, item will be discussed in Executive Session.

- i. ACTION TO TRANSFER FROM ACCOUNT #001-1101-241 (Operations Officer) TO VARIOUS EMPLOYEE SLOTS A TOTAL OF \$18,720 AS FOLLOWS:

SLOT	TITLE	AMOUNT
#239	Asst. County Atty.	\$1,000
#244	Asst. County Atty.	\$3,741
#243	Asst. County Atty.	\$2,000
#249	Asst. County Atty.	\$4,366
#1253	Asst. County Atty.	\$ 500
#1518	Asst. County Atty.	\$2,613
#2083	Asst. County Atty.	\$1,500
#2084	Asst. County Atty.	\$1,500
#2080	Asst. County Atty.	\$1,500

[Requested by County Attorney]

As per Mr. Homero Ramirez, this will have no impact on the General Fund. He stated that this will be a one-time deal and will not increase the salaries for the next fiscal year.

Cmr. Gutierrez motioned to approve item as submitted.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

03.02-12-319. COMMUNICATIONS

Mr. George Gonzalez, Webb County Extension Agent, presented Court with presentation on the various programs and services offered through his office. Also presenting were Joy Vasquez – Webb County Agent for Family Consumer Sciences, Hector Cavazos – County Extension Agent for 4-H and Youth Development, and Maggie Moreno Johnson.

Cmr. Velasquez read letter he received via fax from Justice of the Piece Oscar Martinez in regards to the furniture located in the office shared by J.P. Martinez and Constable Tino Juarez. Mr. Carlos Villarreal stated that he is working on resolving this issue administratively.

Cmr. Gutierrez motioned to enter into Executive Session.
Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

EXECUTIVE SESSION (3:27 P.M. TO 4:53 P.M.)

Judge Mercurio Martinez called meeting to order. He stated that no action was taken during executive session.

10.02-12-326

COURT TO DISCUSS AND ACT ON THE FOLLOWING FROM THE COUNTY ATTORNEY

g. ACTION REGARDING CAUSE NO. 2000CVQ-000819 D1, WEBB COUNT, WEBB CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, MIRANDO SCHOOL DISTRICT, CITY OF LAREDO, AND UNITED INDEPENDENT SCHOOL DISTRICT, IN THE 49TH JUDICIAL DISTRICT COURT, WEBB COUNTY, TEXAS.

[Executive Session is requested pursuant to Title 5, Subchapter D, section 551.071 of the Texas Government Code, Consultation with Attorney]

No action at this time, only status was given

h. ACTION REGARDING THE ACQUISITION OF LOTS 1, 2, 3 AND 4, BLOCK 197, WESTERN DIVISION, LAREDO, WEBB COUNTY, TEXAS AND ANY MATTERS INCIDENT THERETO. [Executive Session is requested pursuant to Title 5, Subchapter D, section 551.072 of the Texas Government Code, Deliberation Regarding Real Estate]

Mr. Bratton, County Attorney's Office, stated that earnest monies could be used to purchase the property from Texas Mexican Railway. He stated that the total cost would be \$1.3 million dollars with closing date on or before August 31, 2003. He stated that if the title fails, the earnest money contract would be cancelled.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

Mr. Arturo Dominguez, Texas Mexican Railway, stated that the southern ½ of lots 5 & 6 are also included.

06.02-12-322.

COURT TO DISCUSS AND ACT ON THE FOLLOWING:

a. RISK MANAGEMENT

ACTION REGARDING CLAIM OF CONSTABLE PRECINCT 1 FOR PROPERTY DAMAGE INCURRED TO UNIT #1422 WHICH OCCURRED ON OR ABOUT OCTOBER 27, 2002 (Executive Session is requested pursuant to Title 5, Subchapter D, section 551.071 of the Texas Government Code – Consultation with Attorney).

Judge Martinez stated that no action was taken during Executive Session. He also stated that the property damage would be assigned to the account of the constable and was not to exceed \$500.00 as per the recommendation of Risk Management.

Judge Martinez motioned to approve recommendation of Risk Management. Cmr. Urdiales seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present

07.02-12-323

COUNTY JUDGE AND COMMISSIONERS

j. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE TRANSFER OF 100 SICK LEAVE HOURS BETWEEN EMPLOYEES, SPECIFICALLY FROM MR. GILBERT J. GARZA (Community Supervisor and Corrections Department Employee) TO HIS MOTHER, MS. AMALIA GARZA (Webb County District Clerk's Office employee). THIS PROPOSED TRANSFER HAS THE APPROVAL OF THE RESPECTIVE DEPARTMENTAL SUPERVISORS.

[Executive Session may be requested regarding Personnel Matters; section 551.074, Texas Open Meeting Act; and/or to consult with the County Attorney, section 551.071, Texas Open Meeting Act]
[Requested by Commissioner Judith Gutierrez].

No action was taken on this item. It was presented to inform the Court.

ADJOURNMENT

Cmr. Gutierrez motioned to adjourn the meeting. Cmr. Velasquez seconded the motion.

Motion to adjourn carried 5 to 0 by unanimous consent